



**Customer Services  
Leeds City Council**

Mr T Nunn

Via e-mail

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Ref: 3497

Date: 26<sup>th</sup> November 2009

Dear Mr Nunn

Thank you for your recent request for an internal review of Leeds City Council's handling of your Freedom Of Information request regarding 'LG Act 1974 Part III Section 32(3) notices'. Your request was received on 5<sup>th</sup> November 2009.

The issue you raise is that you believe that a statutory notice is a legal document and as such should have been issued by our Legal department. You ask for clarification on the question as to whether our Legal department issue legal notices without keeping a record.

Our Head of Legal Services has confirmed that although a section 32(3) notice has a legal effect, there is no actual requirement within the LG Act 1974 that a Section 32(3) notice has to be given by the council's lawyers, it is sufficient that the notice is given by "the authority", therefore allowing Officers to issue them on the Council's behalf.

As a council, we only use a Section 32(3) notice on a very small number of cases mainly disputes involving third parties where we believe that it would be inappropriate to make certain information publicly available eg: in relation to safeguarding matters. In such cases it is however necessary that the Local Government Ombudsman sees our full records so that they can make an informed decision on the case.

Although we do not have an exact number of cases that we have used a Section 32(3) notice on for the last five years, I have requested that a manual count be done of this current financial year to provide you with an idea of how often they are used. For the period 1<sup>st</sup> April 2009 to 1<sup>st</sup> November 2009 Leeds has responded to 57 cases with the Ombudsman and of these cases 6 had Section 32(3) notices on them. As previously confirmed, over the last five years Leeds City Council has not been found guilty of maladministration with regards to the use of Section 32(3) notices.



I trust the information given above provides you with the clarity you require.

If however upon receipt of our response to your request for a review you are dissatisfied with the outcome then you can apply to the Information Commissioner for a decision. There is then a further right of appeal to the Information Tribunal. The Council will co-operate fully with any investigation relating to an application to the Commissioner, or an appeal to the Tribunal.

The Office of the Information Commissioner can be contacted at:-

FOI/EIR Complaints Resolution,  
The Information Commissioner  
Wycliffe House,  
Water Lane  
Wilmslow  
Cheshire  
SK95AF  
Tel. (01625) 545 700  
xxxxx.xxxx@xxx.xxx.xxx.xx

Yours sincerely

**Paul Broughton**  
**Chief Customer Services Officer**

